IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No.672 of 2006

Chandrakant Ozha .. Appellant

versus

Municipal Corporation of Greater Bombay and anr. .. Respondents

...

Mr.Bharat Joshi for the appellant.

Mrs.Geeta Jogalekar for the BMC.

CORAM : D.G. KARNIK, J

DATED : 19th September 2006

P.C.:

1. Heard learned counsel for the parties.

2. By consent of the parties without recording the reasons the following order is passed :

. The appellant shall file his reply on or before 22nd September 2006 to the notice dated 20th

July 2006 issued by respondent no.1 Municipal Corporation under section 314 of the Mumbai Municipal Corporation Act 1888. If such a reply is filed, respondent no.1 and its officers shall consider the said reply and pass appropriate orders after granting an opportunity of hearing to the appellant.

3. If the order is adverse to the appellant, the respondents shall not execute the said order and shall not carry out the demolition for a period of two weeks from the date of communication of the order.

4. In view of this order, learned counsel for the appellant seeks to withdraw the original suit bearing suit no.3316 of 2006 filed by him in the City Civil Court, Mumbai. Leave granted. Suit shall be disposed of by this order. A copy of this order be sent to the City Civil Court for making necessary entries in its records.

5. Appeal stands disposed of in the aforesaid terms.

(D.G. KARNIK, J)